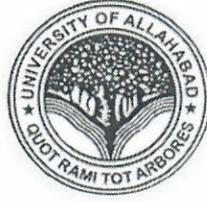


इलाहाबाद विश्वविद्यालय
इलाहाबाद-211 002



UNIVERSITY OF ALLAHABAD
ALLAHABAD-211 002

**MINUTES OF THE 57TH EMERGENT MEETING OF THE EXECUTIVE COUNCIL
FRIDAY, THE JULY, 26TH 2019 AT 11:00 A.M.**

VENUE : CONFERENCE HALL, FACULTY OF LAW, UNIVERSITY OF ALLAHABAD

MEMBERS PRESENT

1. Prof. Rattan Lal Hangloo	Chairman
2. Prof. K.S. Misra	Member
3. Prof. A.K. Mukherjee	Member
4. Prof. R.K. Chaubey	Member
5. Dr. Anand Shankar Singh	Member
6. Prof. P.K. Sahoo	Member
7. Prof. L.R. Sharma	Member
8. Shri P.N. Gupta	Member
9. Sri Bhure Lal	Member
10. Dr. Lalit Malviya	Member
11. Dr. Mamta Chaturvedi	Member
12. Dr.(Mrs.) K.L. Pandey	Member
13. Prof. Somesh Kumar Shukla	Member
14. Prof. Shailendra Singh Gaurav	Member
15. Prof. K.B. Pandeya	Member
16. Prof. S.A. Ansari	Member
17. Prof. R.S. Dubey, Proctor	Special Invitee
18. Prof. Harsh Kumar, DSW	Special Invitee
19. Prof. Pankaj Kumar, Dean, CD	Special Invitee
20. Dr. Sunil Kant Mishra, F.O.	Special Invitee
21. Prof. N.K. Shukla, Registrar	Secretary

Member who could not attend the meeting owing to their pre-occupation:-

1. Prof. B.N. Tiwari
2. Sri Sunil Umrao
3. Prof. Bhaskar Majumder
4. Dr. Archana Singh
5. Prof. Neeta Sehgal
6. Prof. Rohini Prasad

The Chairman extended a warm welcome to all the Hon'ble members of the Executive Council and added that there was an emergent situation wherefore the emergent meeting of the Council was convened at such a short notice.

After ascertaining the completion of quorum, the Chairman called the meeting to order and asked the Registrar, the Secretary of the Executive Council, to place the Agenda for discussion and deliberations. Thereafter, the consideration on the Agenda Item commenced.

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Agenda No. 01/57

To consider the letter No.F.No.32-1/2012-Desk (U), Government of India, Ministry of Human Resource Development, Department of Higher Education, Shastri Bhawan, New Delhi dated 16-07-2019 of Sri Umesh Kumar, Under Secretary to Government of India regarding matter of Institute of Correspondence Course & Continuing Education, (ICC&CE).

Resolution No.01/57

The Chairman apprised the Hon'ble members with the background of the Institute of Correspondence Courses & Continuing Education (ICC&CE) which was a temporary Self-finance Institute under Sub-Clause (2) of Clause 30 of the Statutes of the University. He further added that the Executive Council in its meeting held on 8th March, 2019 had already resolved to close, on permanent basis, the Institute of Correspondence Courses & Continuing Education, as it was not viable financially, despite repeated best efforts, to run the same any more. The decision was communicated to MHRD through Registrar's letter dated 24-03-2019. In response to that communication the letter dated 16.07.2019, mentioned in the Agenda Item, was received from MHRD suggesting thereby that if the University intended to close the self-finance ICC&CE on permanent basis it should take action under sub-Section (2) of Section 28 of the University of Allahabad Act, 2005 to repeal Sub-Clause (2) of Clause 30 of the Statutes, hence the meeting was convened.

Professors K.B. Pandey, Shailendra Singh Gaurav and Somesh Kumar Shukla wanted to know more about the compelling situation leading to the resolution for the closure, on permanent basis, of the self-finance ICC&CE. The Chairman asked Prof. S. A. Ansari, who had presented the Comprehensive Report on the ICC&CE before the Executive Council in its meeting held on 8th March, 2019, to enlighten the Hon'ble members on the issue.

Prof. S.A. Ansari presented the highlights of the Comprehensive Report and added that the ICC&CE was established in 1976 under the guidelines of the UGC. Soon it became a flourishing Institute in self finance mode with no post sanctioned by the U.P. State Government or the UGC. To cope with the increase in the number of students enrolled in the ICC&CE the number of employees was increased from 24 to 111 and again without the posts having been sanctioned by the State Government or any other Competent Authority. In fact, in 1991 the State Govt. had informed the University that **"the approval of the Ordinance recommended by the Academic Council and Executive Council of the University for the establishment of the Institute of Correspondence Courses & Continuing Education under section 44 of the U.P. State Universities Act, 1973 was accorded with**



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the explicit condition that the proposed Institute would be administered under Self-Finance Mode and all appointments in the Institute would be made on contract basis. It was also pointed out that there would be no full time and regular appointment of teachers and other employees in the Institute."

Prof. Ansari further pointed out that it was only in 1998 that the Registrar of the University sent a letter to the Principal Secretary, Higher Education, U.P. Government requesting for approval of certain posts for ICC&CE. The U.P. Government vide its Communication dated 19-12-1998 **reiterated its earlier stand that the ICC&CE would be administered under Self-Finance Mode and no appointment of teachers and other employees would be on full time and regular basis.** Despite the stated position of the Government, the employees were illegally appointed in the ICC&CE on full time and permanent basis without any post being created.

He further added that under Statutes 30 (2) framed under the University of Allahabad Act, 2005, it was provided that **"The Institute of Correspondence Courses and Continuing Education shall continue as a temporary self-financing University Institute, and all matters relating thereto shall be provided for by the Ordinances."**



Over the years, there were many shortsighted and adhoc changes made regarding the academic, administrative and financial systems of the ICC&CE, by those who were at the helm of affairs in the University at that time and this led to a serious dip in the revenue of the ICC&CE while at the same time there was sharp increase in the amount of salary and other fixed expenses. This resulted into continued huge deficit between the revenue and expenditure. The University was forced, through repeated agitations resorted to by the ICC&CE employees, to grant temporary loans amounting to Rs. 9,12,11,000/- (Rupees Nine Crore Twelve Lakh Eleven Thousand only) to ICC&CE in 18 installments on different dates, the first being on 13-06-2009 and last being on 21-07-2015, i.e. all before the present Vice-Chancellor joined. This amount also included a sum of Rs. 6,35,15000/- (Rupees Six Crores Thirty Five Lac and Fifteen Thousand Only) transferred from UGC non-plan grant meant for the University to ICC&CE in 11 installments between 2011-2013, without any approval from the UGC and/or MHRD or any enabling provision in the Act, Statutes and Ordinances of the University. The UGC had deducted this amount from the regular grant of the University. Thus, the University had been penalized for illegal transfer of money to ICC&CE.

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It was further highlighted that a number of Committees were appointed from time to time by the University to suggest ways and means to overcome the problems faced by the ICC&CE. Particular mention was made of the Committee appointed by the Executive Council vide its Resolution No.3/16, dated 07.08.2010 **"to make a specific proposal with regard to infrastructure, financial liabilities and implications, re-organize academic activities and programmes in connection with Institute of Correspondence Courses and Continuing Education"**. The Committee's Comprehensive Report running into 16 pages was presented in the meeting of the Executive Council held on 12.08.2011. After pointing out number of alarming indicators, it found out that there were three options available to the University, viz. **(i) Continuance of the ICC&CE with certain actions to be taken with a one time Seed Capital of Rs.20.00 crore to be provided by the UGC, (ii) Integration of the ICC&CE with the University of Allahabad, and (iii) Good Riddance.**

The Executive Council vide its Resolution No.16/18, dated 12-08-2011 after careful examination of the three alternatives resolved for the first option to approach the UGC for the release of an assistance of Rs.20.00 crore to strengthen the affairs/smooth function of the ICC&CE. But the University's request for Seed Capital was not granted. Therefore, in the meeting of the Executive Council held on 25-01-2012, it was resolved to recommend to His Excellency, the Visitor of the University for the second option i.e. Integration of the ICC&CE with the University of Allahabad requesting his assent for amendment in Statutes 30(1) by making the ICC&CE as a regular and permanent Institute of the University. After a number of communications between the University and the MHRD the letter dated 21-12-2018 from Shri Umesh Kumar, Under Secretary to the Government of India, MHRD was received by the University. It informed that **"The Visitor, in terms of powers conferred on him under Section 28(3) of the University of Allahabad Act, has approved to remit to the EC of the University the proposed amendment to the Statutes 30(1) regarding addition of the ICC&CE as an integral grant-in-aid Institute of the University of Allahabad which was earlier resolved by the EC vide its resolution dated 25-01-2012, for re-consideration keeping in view the following reasons:**

- (i) The distance Education and Continuing Education cannot be merged with the main University. It being a self-financing institute, its finance should not be for main University's activity and vice-versa.**



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- (ii) **Since ICC&CE was conceived to be a self-financing Institute, it should analyze the reasons where it went wrong and take remedial actions for the improvement of the financial condition of the Institute, if it has to sustain itself. The remedial action for its survival may include offering popular courses as per the current demand.**
- (iii) **It being a Self-financing Institute, it is up to the authorities in the University to find the ways and means to improve its financial condition within the existing framework or to take a decision on continuance or otherwise of the Institute.**

The University is also requested to defend the case on this matter in the Hon'ble Supreme Court on behalf of UoI on the basis of action taken on the above decision of the Visitor"

It was in this backdrop that a comprehensive report, as desired by the above letter, was presented before the Executive Council in its meeting held on 08-03-2019 as Agenda Item No.6/54. The Executive Council had found on 08-03-2019 that it was called through the letter dated 21-12-2018 to re-consider its proposal dated 25-01-2012 for making the ICC&CE as an Integral grant-in-aid Institute of the University in the light of the **three observations** mentioned in the letter of Shri Umesh Kumar. The report presented on that day was divided into three sections - Section I: The Background, Section II: Analysis of the reasons where it went wrong, and Section III: The Road Map. In the light of the three observations mentioned in the letter of Shri Umesh Kumar, Under Secretary to the Government of India, MHRD. It is amply clear that the University was left with only the third option, i.e. Good Riddance.

The Members, after thorough consideration of the reports from different angles **unanimously resolved to :**

- (i) **approve the Report and its recommendations** entitled as "The Road Map" leading to the final closure on permanent basis of ICC & CE since it was not financially viable to run the same any further, as its reconsidered view in the matter of ICC & CE to send the same to the MHRD in compliance with the letter of Shri Umesh Kumar; and
- (ii) **authorize the Vice Chancellor to appoint a Committee** to find out the reasons, like administrative, academic and

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financial lapses, behind the systematic decay of the ICC & CE forcing the Executive Council to go for its closure on permanent basis and also to fix the responsibility for such lapses and place the report of the Committee before the Executive Council for suitable decision."

Prof. S.A. Ansari further pointed out that the closure on permanent basis was approved by the Executive Council on 08-03-2019 with least human pain having a provision for the relaxation in age of such employees who would be applying for appointment against advertisement in the University and its Constituent Colleges.

Thus, the letter dated 16-07-2019 of Shri Umesh Kumar had asked for a resolution of the University authorities to repeal the existing Statutes 30(2). Therefore, the matter was placed before the Academic Council in its emergent meeting held on 25-07-2019 where it was unanimously resolved to repeal the same along with the Ordinance XXXII - The Institute of the Correspondence Courses and Continuing Education - and all Regulations relating thereto. The Academic Council had also recommended the same for the consideration of the Executive Council.

The Chairman requested the members to offer their views on the matter. Prof. K.B. Pandeya, Prof. Shailendra Singh Gaurav and Prof. Somesh Kumar Shukla wanted a reconsideration of the matter of closure of the ICC&CE because it involved a huge human cost. The Chairman added here that all the concerns of the members had been addressed to by the different Committees, from time to time, and particularly the report presented on 08-03-2019 had specifically pointed out that out of the three options only the last option i.e. **Good Riddance** was available with the University and that was why the Executive Council had already resolved on that day for the closure for the ICC&CE and that closure had necessitated the repeal of the Statute.

Prof. P.K.Sahoo, the former Director of ICC&CE shared his pains as to why and in what ways the ICC&CE was systematically ruined by those who were at the helm of affairs in the University at that time.

After this detailed discussion the Executive Council **resolved to repeal** the sub-clause (2) of Clause 30 of Statutes of the University alongwith Ordinance XXXII - The Institute of the Correspondence Courses and Continuing Education - and all Regulations relating



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thereto. **It was further resolved** to recommend the same to H.E., the Visitor of the University to grant his assent to the resolution.

However, Prof. K.B. Pandeya, Prof. Shailendra Singh Gaurav and Prof. Somesh Kumar Shukla did not support the above resolution and their note is appended here as **Appendix-'A'**.

With a view to giving effect to the second resolution No. (ii) under Resolution No.6/54, the Executive Council unanimously resolved to appoint Mr. Justice Arun Tandon (Retd.), High Court, Allahabad as the Chairman of the Committee, with the Finance Officer as Presenting Officer. The Committee may also work out the assets and liabilities of the ICC&CE in the wake of its permanent closure and may identify as to whether loss has been caused deliberately to the institute by earlier authorities and if so to what extent, can the loss so caused be recovered from all responsible or not.

Thereafter the meeting ended with a vote of thanks to the Chair.

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26/7/2019
(Prof. N.K. Shukla)
Registrar
(Secretary)

Rattan Lal Hangloo
26/7/2019
(Prof. Rattan Lal Hangloo)
Vice-Chancellor
(Chairman)



Note: It is worth recording that Prof. P.K. Sahoo sent a letter, addressed to the Registrar, three hours after the conclusion of the meeting, making it out that he should not be a party to the decision of the University to repeal the existing provision of the Statutes 30(2) of the University of Allahabad. The letter of Prof. P.K. Sahoo is appended as **Appendix-'B'**.

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26/7/2019
(Secretary)